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REMARKS

Barbara BPTom ANorman NDFile - Leason
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DEPARTMENT OF STATE

Washington, D.C. 20520

January 19, 1983

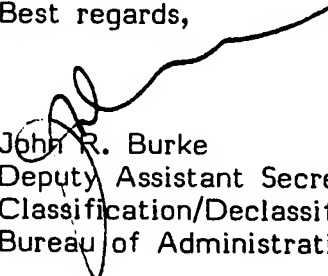
Mr. Charles E. Wilson
Chief
Public Affairs
Central Intelligence Agency
Washington, D.C. 20505

Dear Chuck:

Many thanks for your letter of December 3 with its enclosures. Both the Inman and Casey statements are solid, well-reasoned presentations.

To return the favor, I'm sending you a copy of my remarks as delivered at Chapel Hill last Friday. As you can see they are tailored for the academic audience I had to deal with. Difficult to know how many converts I may have made -- damned few I suspect -- but I did manage to shake some prejudices in the question and answer period.

Best regards,


John R. Burke
Deputy Assistant Secretary
Classification/Declassification Center
Bureau of Administration

Enclosure:
as stated.

POLICY ON DECLASSIFICATION OF THE ARCHIVES OF THE DEPARTMENT
OF STATE AND NEEDS OF RESEARCHERS

VIRTUALLY FROM THE MOMENT OF ITS ESTABLISHMENT OVER TWO CENTURIES AGO, THE DEPARTMENT OF STATE HAS HAD A COMMITMENT TO THE PRESERVATION OF THE NATION'S DIPLOMATIC ARCHIVES AND THE PRODUCTION OF A HISTORICAL RECORD. THERE HAS ALSO BEEN A TACIT UNDERSTANDING THAT THE ARCHIVES OF THE DEPARTMENT WOULD BE MADE AVAILABLE TO THE PUBLIC AS SOON AS POSSIBLE SO THAT INDIVIDUAL HISTORIANS COULD EXAMINE THEM AND MAKE THEIR OWN OBJECTIVE JUDGMENTS REGARDING THE DIPLOMACY OF THE VARIOUS ADMINISTRATIONS WHICH HAVE SUCCEEDED ONE ANOTHER THROUGHOUT OUR HISTORY. CONCOMITANT WITH THAT WAS THE UNDERSTANDING THAT DOCUMENTS OF CONTINUING SENSITIVITY WHOSE PREMATURE REVELATION COULD HAVE AN ADVERSE EFFECT ON NATIONAL SECURITY WOULD REMAIN PROTECTED UNTIL SUCH TIME AS THEY WERE NO LONGER LIABLE TO HAVE A NEGATIVE IMPACT ON THE ACHIEVEMENT OF CONTEMPORARY DIPLOMATIC GOALS. THESE WERE AND ARE THE TWO OCCASIONALLY CONFLICTING RESPONSIBILITIES WHICH GENERATIONS OF PUBLIC SERVANTS IN THE DEPARTMENT HAVE BEEN OBLIGED TO WEIGH AND BALANCE, ONE AGAINST THE OTHER, OVER THE DECADES.

IN EARLIER TIMES BEFORE THE UNITED STATES ACHIEVED THE PRE-EMINENT POSITION IN THE WORLD WHICH IT FOUND ITSELF IN AT THE END OF WORLD WAR II, THE BALANCING OF THESE PRIORITIES WAS REASONABLY UNCOMPLICATED. HOWEVER, SINCE THAT TIME DECISIONS OVER THE RELEASE OF PREVIOUSLY CLASSIFIED MATERIALS HAVE BECOME MUCH MORE COMPLEX.

IN ADDITION TO THE UNACCUSTOMED ROLE OF PREDOMINANCE WHICH THE UNITED STATES WAS OBLIGED TO ASSUME IN INTERNATIONAL AFFAIRS AFTER WW II, THE SITUATION WAS FURTHER COMPLICATED BY TWO DEVELOPMENTS: THE PROLIFERATION OF NEWLY-INDEPENDENT COUNTRIES IN THE WORLD AND THE ONSET OF THE COLD WAR. IT HAS BEEN SAID THAT NOW, IN INTERNATIONAL AFFAIRS, WHEN THE UNITED STATES SNEEZES, HALF THE WORLD CATCHES COLD. IF BY 'SNEEZING' ONE INCLUDES THE INADVERTENT RELEASE OF CLASSIFIED INFORMATION INVOLVING OUR FOREIGN RELATIONS WHICH ANOTHER COUNTRY OR REGIME CONSIDERS TO BE EITHER OFFENSIVE OR A VIOLATION OF PRESUMED CONFIDENTIALITY THE APPLICATION OF THAT METAPHOR TO ARBITRARY DECLASSIFICATION BECOMES OBVIOUS. IT HAS BEEN MY EXPERIENCE THAT RELATIONS BETWEEN NATIONS ARE REMARKABLY LIKE RELATIONS BETWEEN INDIVIDUALS; AND GOVERNMENTS CAN BE AS THIN SKINNED REGARDING WHAT THEY VIEW AS REAL OR IMAGINED INSULTS OR SLIGHTS AS ARE NEIGHBORS IN THE SAME BLOCK. THERE IS ANOTHER ASPECT TO THIS OBSERVATION: STATESMEN AND POLITICIANS IN VARIOUS COUNTRIES ARE WONDERFULLY LONG-LIVED AND WHEREAS AMERICAN PRESIDENTS, AFTER THE ONE OR TWO TERMS ALLOTTED THEM BY THE ELECTORATE, SLIP FAIRLY GRACEFULLY INTO RETIREMENT, WE OFTEN FIND CHIEFS OF STATE, HEADS OF GOVERNMENTS, AND MINISTERS OF FOREIGN AFFAIRS IN OTHER NATIONS SURFACING OR RESURFACING TIME AFTER TIME FOR DECADES, OR EVEN REMAINING ON THE SCENE FOR DONKEYS' YEARS.

DESPITE THIS GROWING COMPLEXITY, THE DEPARTMENT OF STATE IN THE PERIOD SINCE WORLD WAR II HAS REMAINED FAITHFUL TO ITS COMMITMENT

TO PRODUCE A HISTORICAL RECORD, NOTABLY IN THE FOREIGN RELATIONS OF THE UNITED STATES SERIES, AND TO TRANSFER ITS ARCHIVES TO THE NATIONAL ARCHIVES AGAINST A THIRTY-YEAR BASE LINE. IN SOME CASES, DECLASSIFICATION OF MAJOR BLOCKS OF DOCUMENTS HAS BEEN POSSIBLE ON AN ACCELERATED BASIS. IN ALL, THE DEPARTMENT HAS PUBLISHED APPROXIMATELY 49 VOLUMES IN THE FRUS SERIES SINCE WW II. FURTHERMORE, THE NATIONAL ARCHIVES HAS FORMALLY ACCESSIONED DEPARTMENT AND POST FILES UP TO 1950. A SMALL PERCENTAGE OF THESE FILES REMAIN CLOSED FOR REASONS OF CONTINUING SENSITIVITY, BUT THE VAST BULK, IN EXCESS OF 98 PERCENT, HAS BEEN OPENED TO THE PUBLIC. I WOULD SUBMIT, THEREFORE, THAT EVEN WITHOUT THE ADDITIONAL IMPETUS WHICH WE HAVE SEEN IN RECENT YEARS IN THE FORM OF THE FREEDOM OF INFORMATION ACT AND THE VARIOUS EXECUTIVE ORDERS ON CLASSIFICATION, MOST NOTABLY THOSE OF PRESIDENTS NIXON, CARTER AND REAGAN, THE DEPARTMENT OF STATE HAS RETAINED ITS LEADING POSITION AMONGST THE FOREIGN MINISTRIES OF THE WORLD FOR OPENNESS.

AS YOU ALL KNOW, OUR GOVERNMENT HAS ATTEMPTED TO SYSTEMATIZE AND ACCELERATE THE RELEASE OF INFORMATION TO THE PUBLIC IN THE LAST 15 YEARS. THE FREEDOM OF INFORMATION ACT OF 1966 WAS THE MOST IMPORTANT STEP TAKEN TOWARD THIS END, ALONG WITH THE VARIOUS EXECUTIVE ORDERS ON CLASSIFICATION WHICH COMPLEMENT THE FOIA.

IN THE YEARS IMMEDIATELY FOLLOWING THE PASSAGE OF THE 1966 FOI ACT THE DEPARTMENT RECEIVED FEW REQUESTS AND HANDLED THEM WITH A STAFF OF 1-2 PEOPLE, ULTIMATELY LOCATED IN PUBLIC AFFAIRS BUREAU.

IN THOSE YEARS THE REVIEW OF REQUESTED DOCUMENTS WAS PERFORMED BY THE BUREAUS OF ORIGIN (MOSTLY THE GEOGRAPHIC BUREAUS) AND DENIALS WERE SIGNED BY ONE OF THE DEPARTMENT'S LAWYERS.

FOLLOWING THE SWEEPING REVISION OF THE FOIA IN 1975 WHICH WAS PASSED OVER PRESIDENT FORD'S VETO, REQUESTS QUADRUPLD IN FIRST 3 MONTHS. IN RESPONSE TO THIS INCREASED VOLUME THE DEPARTMENT GRADUALLY INCREASED PROCESSING STAFF AND REQUIRED A SENIOR OFFICER OF THE REVIEWING BUREAU TO SIGN DENIALS. (BUREAUS WERE ALSO REQUIRED TO REVIEW REQUESTS UNDER THE THEN-EXISTING EO 11652 ON CLASSIFICATION/ DECLASSIFICATION.)

THE DECISION TO ESTABLISH THE CLASSIFICATION/DECLASSIFICATION CENTER WAS TAKEN AT ABOUT THE SAME TIME THAT EXECUTIVE ORDER 12065 WAS MADE EFFECTIVE (LATE 1978). THAT EXECUTIVE ORDER HAD AS ITS STATED PURPOSE "TO BALANCE THE PUBLIC'S INTEREST IN ACCESS TO GOVERNMENT INFORMATION WITH THE NEED TO PROTECT CERTAIN NATIONAL SECURITY INFORMATION FROM DISCLOSURE..." CDC WAS CREATED IN PART TO ASSURE THAT THE DEPARTMENT PROPERLY EXECUTED THAT ORDER. IT WAS ALSO INTENDED BETTER TO EQUIP THE DEPARTMENT TO COPE WITH THE ENTIRE RANGE OF CLASSIFICATION/ DECLASSIFICATION PROBLEMS, WHICH AT THE TIME WERE SERIOUSLY OUT OF HAND. THE ORGANIZATION AND FUNCTIONS OF CDC WERE DECIDED UPON AFTER MONTHS OF CAREFUL STUDY, INITIALLY BY THE BODY THEN RESPONSIBLE IN THE DEPARTMENT, THE COUNCIL ON CLASSIFICATION POLICY (COMPRISING REPRESENTATIVES OF THE BUREAUS OF CONGRESSIONAL RELATIONS AND OF INTELLIGENCE AND

RESEARCH, THE OFFICE OF THE LEGAL ADVISER, THE OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR SECURITY, THE POLICY PLANNING STAFF, AND THE EXECUTIVE SECRETARIAT, WITH THE BUREAU OF PUBLIC AFFAIRS IN THE CHAIR), THE BUREAU OF ADMINISTRATION AND, FINALLY, AT THE PERSONAL REQUEST OF THE UNDER SECRETARY FOR MANAGEMENT, THE OFFICE OF THE INSPECTOR GENERAL. THE SITUATION THEIR STUDY FOUND WAS ONE IN WHICH THE COMBINATION OF REQUESTS FOR MANDATORY REVIEW UNDER THE EXECUTIVE ORDER AND THE FREEDOM OF INFORMATION ACT HAD SWAMPED THE OLD SYSTEM. BACKLOGS WERE HUGE AND GROWING. WHEN REVIEWS WERE PERFORMED, THE RESULTS WERE HAPHAZARD AND (AT BEST) INADEQUATELY RECORDED. BUSY OPERATIONAL OFFICERS IN THE GEOGRAPHIC AND FUNCTIONAL BUREAUS COULD NEVER HOPE EVEN TO COPE WITH THE SITUATION, MUCH LESS TO CORRECT IT. WITH REGARD TO SYSTEMATIC REVIEW, THE CONSENSUS OF ALL CONCERNED WAS THAT THE NEW EXECUTIVE ORDER, WHICH WOULD ESTABLISH A TWENTY-YEAR LINE FOR SYSTEMATIC REVIEW IN PLACE OF THE THIRTY-YEAR LINE, WOULD REQUIRE CHANGES IN THE DEPARTMENT'S MODUS OPERANDI. IT WAS UNANIMOUSLY AGREED THAT CENTRALIZATION OF THE SYSTEMATIC REVIEW FUNCTION WOULD BE REQUIRED.

THE DECISION TO CENTRALIZE THE CLASSIFICATION/DECLASSIFICATION FUNCTION IN ONE UNIT WITHIN THE BUREAU OF ADMINISTRATION WAS RECORDED IN A FOREIGN AFFAIRS MANUAL (FAM) CIRCULAR IN LATE 1978 WHICH ESTABLISHED CDC. THE FAM CHANGES REFER BASICALLY TO TWO MATTERS: THE FORMALIZATION OF THE CDC IN THE FOREIGN AFFAIRS MANUAL ITSELF IN JANUARY 1981; AND THE COMPLETION OF THE CENTRALIZATION

THROUGH REALLOCATING TO CDC THE RESPONSIBILITY, TO BE DISCHARGED IN COORDINATION WITH THE GEOGRAPHIC AND FUNCTIONAL BUREAUS CONCERNED, OF DEALING WITH OTHER AGENCIES AND OTHER GOVERNMENTS CONCERNING DECLASSIFICATION MATTERS RELATING TO THE FOREIGN RELATIONS SERIES -- A ROLE CDC ALREADY HAD RELATIVE TO ALL OTHER DECLASSIFICATION MATTERS.

THE FORMALIZATION OF THE ROLE OF CDC IN THE DEPARTMENT, WHICH WAS DONE AFTER IT HAD FUNCTIONED FOR ALMOST TWO YEARS, WAS SYMBOLIC OF THE CONCLUSION THAT THE EXPECTATIONS PLACED IN THE CENTRALIZED SYSTEM HAVE GENERALLY BEEN FULFILLED. THE SYSTEM IS COPING EFFECTIVELY WITH A VERY HIGH LEVEL OF REQUESTS. IT IS ABLE TO SATISFY MORE REQUESTS THAN UNDER THE OLD SYSTEM. DECLASSIFICATION DECISIONS HAVE BECOME MORE UNIFORM AND MORE SYSTEMATICALLY RECORDED. OPERATIONAL BUREAU OFFICERS HAVE BEEN RELIEVED OF A HEAVY BURDEN OF REVIEWING BUT HAVE A MORE EFFECTIVE INPUT INTO THE PROCESS THAN BEFORE.

WITHIN THE LAST THREE YEARS THE VOLUME OF REQUESTS FOR INFORMATION UNDER THE FOIA, THE EOs AND THE PRIVACY ACT COMING TO THE DEPARTMENT OF STATE HAS MORE OR LESS STABILIZED AT AN ANNUAL LEVEL OF APPROXIMATELY 3,500. THESE FIGURES ARE SOMEWHAT DECEPTIVE, HOWEVER, BECAUSE THEY GIVE NO INDICATION OF THE ACTUAL AMOUNT OF MATERIAL WHICH WE MAY BE REQUIRED TO SEARCH OUT AND REVIEW IN ANY ONE CASE. OUR EXPERIENCE HAS BEEN THAT REQUESTS IN RECENT YEARS HAVE BECOME MORE VOLUMINOUS AND MORE COMPLICATED. LAW FIRMS, FOR EXAMPLE, WHICH DO NOT NORMALLY BALK AT THE PAYMENT OF SUBSTANTIAL SEARCH AND REPRODUCTION FEES, HAVE FREQUENTLY BEEN THE SOURCE OF

REQUESTS ENCOMPASSING LITERALLY HUNDREDS AND, IN SOME CASES, THOUSANDS OF PAGES OF DOCUMENTS. UNDER THE FOIA, OF COURSE, WE ARE OBLIGED TO HANDLE REQUESTS ON A FIRST-IN FIRST-OUT BASIS. THUS, IT CAN BE READILY SEEN HOW A BULKY VOLUMINOUS REQUEST TENDS TO CLOG THE SYSTEM.

WE HAVE ALSO EXPERIENCED OVER THE LAST TWO YEARS A TREBLING OF THE NUMBER OF APPEALS CASES INVOLVING DEPARTMENT OF STATE DOCUMENTS. (AS MANY OF YOU KNOW, UNDER THE FOIA A REQUESTER MAY, IF DOCUMENTS ARE WITHHELD AND NOT RELEASED IN RESPONSE TO HIS INITIAL REQUEST, APPEAL THE DECISION TO WITHHOLD TO THE DEPARTMENT'S FOIA APPEALS BOARD. THE BOARD THEN REVIEWS THE ORIGINAL DECISION TO DENY AND EITHER UPHOLDS, OVERTURNS, OR OVERTURNS IN PART THE ORIGINAL DECISION. IF THE ORIGINAL DECISION TO WITHHOLD IS SUSTAINED, EITHER IN TOTO OR PARTIALLY, THE REQUESTER THEN MAY TAKE HIS CASE BEFORE A FEDERAL COURT. SUCH LITIGATION IS NOT UNCOMMON AND IN FACT THE DEPARTMENT HAS, AS OF THIS DATE, APPROXIMATELY 40 SUCH CASES PENDING.)

ON THE BASIS OF OUR RECENT EXPERIENCE, I THINK IT SAFE TO CONCLUDE THAT THOUGH THE NUMBER OF INITIAL REQUESTS COMING TO THE DEPARTMENT FOR THE RELEASE OF INFORMATION MAY REMAIN FAIRLY CONSTANT FOR THE FORESEEABLE FUTURE, I FEEL THERE IS LITTLE DOUBT BUT THAT THE NUMBER OF PAGES AND DOCUMENTS INVOLVED IN EACH REQUEST WILL CONTINUE TO GROW AS WILL THE NUMBER OF APPEALS CASES AND LAW SUITS IN WHICH WE ARE INVOLVED.

THE COST OF ADMINISTERING THE FOIA IS NOT AN INSIGNIFICANT BUDGET ITEM. ANNUALLY, THE DEPARTMENT OF STATE EXPENDS APPROXIMATELY \$2.8M. IN DISCHARGING ITS RESPONSIBILITIES UNDER THE FOIA, THE EOS AND THE PRIVACY ACT. AND STATE IS NOT THE PRINCIPAL SPENDER IN THIS AREA OF ALL GOVERNMENTAL DEPARTMENTS AND AGENCIES. IN FACT, FOR THE USG AS A WHOLE THE ESTIMATED BURDEN OF DIRECT COSTS ASSOCIATED WITH FOI WAS \$57,000,000 IN 1980, A FIGURE WHICH HAS BEEN CALLED A "GROSS UNDER ESTIMATE" BY THOSE IN THE JUSTICE DEPARTMENT MOST FAMILIAR WITH THE PROGRAM GOVERNMENT-WIDE.

WITHIN THE LAST YEAR THE DEPARTMENT OF STATE HAS ALSO ASSUMED AN ADDITIONAL AND UNANTICIPATED FINANCIAL BURDEN RELATED TO FREEDOM OF INFORMATION. IN LATE 1981, THE ARCHIVIST OF THE UNITED STATES INFORMED US THAT BUDGET CUTS AT THE NATIONAL ARCHIVES HAD NECESSITATED STAFF REDUCTIONS WHICH WERE SUCH THAT THE NARS WOULD BE UNABLE TO ACCESSION THE DEPARTMENT'S 1950-54 RECORDS ON SCHEDULE. THIS MEANT THAT THESE BLOCKS OF RECORDS WOULD BE UNAVAILABLE TO RESEARCHERS UNTIL SUCH TIME AS THE BUDGET CUTS WERE RESTORED. IN THE MEANTIME EXPERIENCED STAFF WOULD BE LOST AND NEW STAFF WOULD HAVE TO BE HIRED AND TRAINED ONCE THE BUDGET PICTURE IMPROVED -- WHENEVER THAT MIGHT BE. THIS WAS A DEVELOPMENT WHICH NEITHER THE DEPARTMENT NOR THE NATIONAL ARCHIVES CONSIDERED ACCEPTABLE. OVER THE NEXT SEVERAL WEEKS WE HAD DISCUSSIONS WITH THE OFFICIALS AT ARCHIVES AND WORKED OUT A JOINT ARRANGEMENT WHEREBY THE DOS WOULD FURNISH A CERTAIN AMOUNT OF FINANCIAL SUPPORT FROM ITS OWN BUDGET -- IN EFFECT, SUBSIDIZING A PORTION OF THE NARS STAFF -- SO THAT THE ACCESSIONING OF THE 1950-54 DOS FILES BY NARS MIGHT GO AHEAD ON SCHEDULE. THE ARRANGEMENT WORKED

OUT HAS NOW BEEN IN OPERATION FOR ALMOST A YEAR AND HAS BEEN WORKING REASONABLY WELL. IT HAS REQUIRED THE ADJUSTMENT OF SOME OTHER SPENDING PRIORITIES AT THE DEPARTMENT, BUT THE DECISION TAKEN BY THE UNDER SECRETARY OF STATE FOR MANAGEMENT -- TO PROVIDE THIS SUPPORT TO NARS -- WAS CONSIDERED ESSENTIAL IF THE DOS WAS TO REMAIN TRUE TO ITS LONG-STANDING COMMITMENT TO MAKE ITS RECORDS AVAILABLE TO RESEARCHERS AS SOON AS POSSIBLE.

SINCE AUGUST 1 OF LAST YEAR, THE USG HAS BEEN OPERATING UNDER THE PROVISIONS OF A NEW EXECUTIVE ORDER, (E.O. 12356) GOVERNING THE CLASSIFICATION AND PROTECTION OF NATIONAL SECURITY INFORMATION. MUCH HAS BEEN WRITTEN ABOUT THIS ORDER SUGGESTING THAT IT REPRESENTS A RETROGRADE STEP FROM ITS PREDECESSORS AND WILL AUTOMATICALLY RESULT IN A FURTHER DRYING UP OF INFORMATION AVAILABLE TO THE PUBLIC. IT HAS BEEN CHARGED THAT THE ORDER WILL MAKE IT EASIER TO CLASSIFY INFORMATION WHICH OTHERWISE MIGHT NOT BE CLASSIFIED AND THAT INFORMATION PREVIOUSLY UNCLASSIFIED MAY NOW BE CLASSIFIED. CONCERN HAS ALSO BEEN EXPRESSED BECAUSE THE PROVISION IN THE PREVIOUS EXECUTIVE ORDER FOR SYSTEMATIC REVIEW FOR DECLASSIFICATION OF ALL RECORDS 20 YEARS OR OLDER HAS BEEN DROPPED.

THE NEW EXECUTIVE ORDER HAS BEEN IN EFFECT FOR JUST OVER FIVE MONTHS AND OUR EXPERIENCE TO DATE AT THE DEPARTMENT OF STATE INDICATES THAT THERE HAS BEEN NO DRAMATIC INCREASE IN CLASSIFICATION AS A RESULT OF THE ORDER. THE TOTAL NUMBER OF CLASSIFIED DOCUMENTS GENERATED IN EACH OF THE THREE CLASSIFICATION CATEGORIES PROVIDED FOR IN THE ORDER -- TOP SECRET, SECRET AND CONFIDENTIAL --

HAS ACTUALLY BEEN LESS IN THE FIVE MONTH PERIOD SINCE THE EFFECTIVE DATE OF THE ORDER THAN IT WAS IN THE FIVE MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE ORDER WENT INTO EFFECT. IN MY DAILY REVIEW OF DECLASSIFICATION DECISIONS TAKEN BY OUR REVIEWERS IN RESPONSE TO REQUESTS UNDER THE FOIA I HAVE NOT BEEN ABLE TO DETECT ANY TIGHTENING UP OF DECISIONS AS A RESULT OF THE NEW E.O. AND I ASSURE YOU THAT I HAVE BEEN LOOKING FOR SUCH A TREND. MY OWN VISCERAL FEELING PRIOR TO THE INTRODUCTION OF THE NEW E.O. WAS THAT IT WOULD HAVE LITTLE IMPACT ON US AT STATE AND SO FAR, THAT JUDGMENT HAS BEEN VERIFIED ON THE BASIS OF OUR EXPERIENCE.

THOUGH THE TWENTY-YEAR LINE FOR SYSTEMATIC REVIEW FOR DECLASSIFICATION WAS DROPPED IN THE NEW ORDER THAT HAS HAD NO EFFECT ON STATE'S TRADITIONAL THIRTY-YEAR REVIEW FOR PUBLICATION OF THE FRUS SERIES AND THE ACCESSIONING OF OUR FILES BY THE NATIONAL ARCHIVES. SYSTEMATIC REVIEW AFTER 20 YEARS AS SPECIFIED IN E.O. 12065 MAY HAVE BEEN SUPERFICIALLY ATTRACTIVE, BUT MY OWN VIEW IS THAT IT WOULD HAVE BEEN UNWORKABLE IN PRACTICE BECAUSE OF THE SHARPLY AUGMENTED STAFF IT WOULD HAVE REQUIRED, AND THE HIGH PERCENTAGE OF DOCUMENTS WHICH AT 20 YEARS WERE TOO RECENT TO BE RELEASED, THUS RENDERING THE EXERCISE LARGELY UNPRODUCTIVE.

THE FOREGOING REPRESENTS IN SOMEWHAT ENCAPSULATED FORM A SURVEY OF THE DEPARTMENT'S POLICY ON DECLASSIFICATION AND ITS ONGOING EFFORTS TO DISCHARGE ITS RESPONSIBILITIES UNDER THE FOIA. I WOULD LIKE NOW, WITH YOUR PERMISSION, TO TAKE OFF MY PUBLIC SERVANT HAT AND SPEAK TO YOU AS AN UNFROCKED HISTORIAN, HAVING BEEN A DOCTORAL CANDIDATE IN DIPLOMATIC HISTORY AT THE UNIVERSITY OF WISCONSIN UNDER FRED HARRINGTON ALMOST 30 YEARS AGO.

AT OUTSET I MUST CONFESS THAT MY FORMATION IN THAT DISCIPLINE HAS RESULTED OCCASIONALLY IN SYMPTOMS OF SPLIT PERSONALITY IN THE CARRYING OUT OF MY PRESENT DUTIES. THE ACADEMIC WITHIN ME OFTEN ARGUES MOST FORCEFULLY WITH THE OFFICIAL OVER DECISIONS TO RELEASE OR WITHHOLD STILL SENSITIVE MATERIALS.

BEYOND THAT, AS A FORMER ACADEMICIAN, I HAVE FOUND MYSELF FREQUENTLY RUMINATING OVER THE QUESTION OF HOW WELL THE PRESENT SYSTEM SERVES THE SCHOLAR AND ULTIMATELY THE PUBLIC -- WHICH WILL AFTERALL BE INSTRUCTED BY WHATEVER INTERPRETIVE CHRONICLE THE SCHOLAR PRODUCES.

OBVIOUSLY, THE FOIA IS AN IMPERFECT INSTRUMENT FOR THE SATISFACTION OF THE SCHOLAR'S NEEDS. IN THE FIRST PLACE IT IS CUMBERSOME AND PUTS THE SERIOUS SCHOLAR IN COMPETITION WITH A WIDE SPECTRUM OF REQUESTERS IN HIS EFFORTS TO OBTAIN

THE RESEARCH MATERIALS IN WHICH HE HAS AN INTEREST. UNDER FOIA EVERY MEMBER OF THE PUBLIC CAN REQUEST INFORMATION FROM THE USG. RANGED ACROSS THIS SPECTRUM OF REQUESTERS, ALONG WITH SCHOLARS, ONE FINDS CORPORATIONS, PUBLIC INTEREST ASSOCIATIONS, LAW FIRMS, FOREIGN GOVERNMENTS, AND A LARGE MASS OF INDIVIDUALS WITH SPECIAL OR PERSONAL INTERESTS WHO RUN THE GAMUT FROM THE SERIOUS AND DESERVING TO -- QUITE CANDIDLY -- THE FRIVOLOUS. HOWEVER, UNDER THE LAW, ALL REQUESTERS ARE EQUAL AND, UNLIKE THE FOUR-LEGGED INHABITANTS OF ORWELL'S FARM, NONE IS MORE EQUAL THAN ANY OTHER. AND IN RESPONDING TO FOIA REQUESTS NO AGENCY OR DEPARTMENT CAN GIVE SPECIAL PRIORITY TO ONE REQUESTER OVER ANOTHER; EACH IS ASSUMED TO POSSESS THE SAME BONA FIDES.

THERE HAVE BEEN VARIOUS PROPOSALS ADVANCED OVER THE YEARS AS TO HOW SERIOUS OR TIME-SENSITIVE REQUESTERS MIGHT BE ACCOMMODATED ON A MORE EXPEDITIOUS BASIS. THERE WAS ONE SUGGESTION, FOR EXAMPLE, THAT A TWO-TRACK SYSTEM BE ESTABLISHED SO THAT JOURNALISTS MIGHT BE GIVEN ACCELERATED ACCESS. NEEDLESS TO SAY, THIS HAS NOT BEEN WELL RECEIVED BY OTHER SERIOUS REQUESTERS WHO FEEL THAT THEIR ENTITLEMENT IS AT LEAST AS DESERVING AS THAT OF THE MEMBERS OF THE FOURTH ESTATE. I HAVE ALSO HEARD THE SUGGESTION THAT SENIOR SCHOLARS WITH ESTABLISHED REPUTATIONS BE GIVEN SOME FORM OF PRIVILEGED ACCESS, EITHER IN TERMS OF THE HANDLING OF THEIR FOIA REQUESTS OR BY ALLOWING THEM INTO THE CLASSIFIED ARCHIVES UNDER SOME SORT OF CONTROLLED CONDITIONS. BUT THESE PROPOSALS ON CLOSE SCRUTINY SEEM IMPRACTICAL IN TODAY'S

WORLD. THE 'TWO TRACK' IDEA WOULD APPEAR ON ITS FACE TO BE UNACCEPTABLE TO SCHOLARS UNLESS THEY WERE GIVEN EQUAL TREATMENT WITH THAT OF JOURNALISTS. AS FOR PRIVILEGED ACCESS FOR ESTABLISHED SCHOLARS, THIS WOULD APPEAR ON ITS FACE TO BE UNDEMOCRATIC GIVEN THE PRESENT SIZE AND PROTEAN NATURE OF THE PROFESSION. (FOR BETTER OR WORSE, THE DAYS OF SAMUEL FLAGG BEMIS ARE BEHIND US!) AND WHO OR WHAT BODY, AFTER ALL, WOULD TAKE ON THE THANKLESS TASK OF CERTIFYING A LIST OF SCHOLARS TO BE GIVEN SPECIAL ACCESS?

I HAVE ALSO FOUND MYSELF REFLECTING ON THE DANGERS AND PITFALLS OF OVER-RELIANCE ON DOCUMENTATION ALONE IN RESEARCH. THERE IS ALWAYS THE RISK THAT ONE WILL EXTRAPOLATE AND DEVELOP AN ELABORATE THESIS FOUNDED ON TOO NARROW A BASE OF DOCUMENTATION. IN THE PROLIFERATION OF PAPER WHICH WE HAVE SEEN, PARTICULARLY IN THE PERIOD SINCE 1950, THERE IS OFTEN THE DANGER THAT SOME MEMORANDUM OR POLICY PAPER PREPARED AT THE MIDDLE OR SECOND-LEVEL FROM THE TOP WITHIN THE DEPARTMENT WILL BE GIVEN MORE IMPORTANCE THAT IT DESERVES. ONE REALLY HAS TO KNOW WHO READ A PARTICULAR DOCUMENT AND HOW HE WAS INFLUENCED BY IT. DID, FOR EXAMPLE, THE SECRETARY SEE IT, DID HE COMMENT ON IT TO HIS ADVISERS, DID HE SHARE IT WITH HIS CABINET COLLEAGUES, THE NSC, THE PRESIDENT? ONE DOESN'T ALWAYS KNOW FROM THE DOCUMENT ITSELF.

LIKE SO MANY OTHERS, I WAS INTRIGUED WHEN THE PENTAGON PAPERS BURST UPON THE SCENE IN 1970 (?) BY ANY MEASURE, IT IS CERTAINLY AN INTERESTING SELECTION OF DOCUMENTS. IT IS,

HOWEVER, FAR FROM A COMPLETE RECORD OF THE PERIOD WITH WHICH IT PURPORTS TO DEAL. IT REPRESENTS A VERY SMALL PERCENTAGE OF THE CONTEMPORARY DOCUMENTS SELECTED BY THEN CIVIL SERVANTS -- MOSTLY WITHIN THE DOD -- WHO WERE NOT THE DECISION-MAKERS BUT MERELY AT THEIR FRINGE. MY OWN FEELING IS THAT THE PENTAGON PAPERS HAD A GREATER IMPACT THAN THEY INTRINSICALLY DESERVED. WHEN ALL OF THE DOCUMENTS FOR THAT PERIOD ARE FINALLY AVAILABLE TO SERIOUS HISTORIANS AND POLITICAL SCIENTISTS, I WOULD PREDICT THAT THE INTERPRETATIONS WILL BE QUITE DIFFERENT FROM MANY THAT WE HAVE SEEN TO DATE.

AS LONG AS I HAVE RAISED THE SUBJECT OF VIETNAM, I WOULD LIKE TO COMMEND TO THOSE OF YOU WHO HAVE AN INTEREST, TWO VOLUMES IN THE FOREIGN RELATIONS OF THE UNITED STATES SERIES ON VIETNAM WHICH WERE PUBLISHED IN 1981 AND 1982. VOLUME XVI DEALS WITH THE GENEVA CONFERENCE, 1952-54, WHILE ITS COMPANION PIECE, VOLUME XIII, DEALS WITH VIETNAM, 1952-54 AND COVERS THE RECORD OF THE EISENHOWER ADMINISTRATION IN ITS FIRST YEARS AS IT CAME TO GRIPS WITH THE VIETNAM PROBLEM. THEY WERE COMPILED BY THE HISTORIAN'S OFFICE IN THE STATE DEPARTMENT AND ARE, IN MY HUMBLE VIEW, TWO OF THE BEST SOURCE BOOKS ON THIS CRITICAL PERIOD. THAT VIEW IS ALSO SHARED BY MR. MURRAY MARDER WHO HAS FOR YEARS BEEN THE WASHINGTON POST'S DIPLOMATIC CORRESPONDENT. IN HIS LENGTHY REVIEW OF THE VOLUMES IN THE POST LAST SUMMER MARDER SAID OF THE VOLUMES: "FOR A GENERATION, HISTORIANS HAVE DEBATED HOW

CLOSE THE UNITED STATES CAME TO ENTERING THE INDOCHINA WAR IN 1954... THE RESULT, OF COURSE, IS WELL KNOWN: THE UNITED STATES DID NOT INTERVENE.

"BUT NEWLY-DECLASSIFIED DOCUMENTS CONFIRM THAT THE UNITED STATES SERIOUSLY CONSIDERED EVERYTHING FROM COVERT TO OVERT INTERVENTION, WITH WEAPONS RANGING FROM CONVENTIONAL ARMAMENT TO ATOMIC BOMBS. DURING THE SPRING AND SUMMER OF 1954, THE EISENHOWER ADMINISTRATION WAS FORCED TO WEIGH NOT ONLY THE COSTS AND CONSEQUENCES OF ACTION AND INACTION IN VIETNAM; THE CRISIS BECAME A CRUCIBLE FOR THINKING THROUGH THE AMERICAN ROLE IN THE WORLD."

MARDER WAS PARTICULARLY STRUCK BY THE VIEW OF EISENHOWER REVEALED IN THE DOCUMENTS, NOT AS A PASSIVE CHAIRMAN OF THE BOARD BEING LED AROUND BY JOHN FOSTER DULLES, BUT AS "THE DECISIVE FIGURE SHAPING AMERICAN POLICY."

FROM THIS YOU CAN PROBABLY DEDUCE THAT MY PERSONAL PREFERENCE IS FOR THE OPENING OF THE ENTIRE RECORD, OR AS MUCH OF THE ENTIRE RECORD AS POSSIBLE, AS EARLY AS POSSIBLE. BOTH THE PUBLIC AND ACADEMIC COMMUNITY WOULD SEEM TO BE BEST SERVED BY SUCH A PRACTICE. WE MUST, HOWEVER, CONTINUE TO WEIGH THAT DESIDERATUM AGAINST THE CONTINUING REQUIREMENTS OF NATIONAL SECURITY SO WE ARE BACK IN OUR TRADITIONAL POSITION OF WEIGHING AND BALANCING AS BEFORE. I CAN ASSURE YOU, HOWEVER, THAT WE IN THE DEPARTMENT OF STATE REMAIN DEVOTED TO THE IMPORTANCE OF MAINTAINING A COMPLETE AND

ACCURATE RECORD OF THE DIPLOMACY OF OUR NATION AND WE HAVE
NOT CEDED NOR DO WE INTEND TO CEDE TO ANY OTHER GOVERNMENT
THE LEADERSHIP ROLE FOR OPENNESS WHICH I BELIEVE WE HAVE
RIGHTFULLY QUALIFIED FOR OVER THE YEARS.